

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

Malik W. Ahmad,

Case No.: 2:17-cv-02421-JAD-VCF

Plaintiff

v.

Order Dismissing Case

Experian and The Vanguard Group, Inc.

Defendants

Previously I ordered that plaintiff Malik W. Ahmad had until February 5, 2021, to show cause in writing why his claims against the defendants should not be dismissed without prejudice for want of prosecution, failing to obey a court order, and failing to comply with the local rules.¹ That deadline passed without Ahmad filing anything, including any response to the show-cause order. District courts have inherent power to control their dockets and “in the exercise of that power, they may impose sanctions including, where appropriate . . . dismissal” of a case.² A court may dismiss an action based on a party’s failure to prosecute an action, failure to obey a court order, or failure to comply with local rules.³ In resolving whether to dismiss an action on one of these grounds, district courts must consider: (1) the public’s interest in expeditious resolution of litigation; (2) the court’s need to manage its docket; (3) the risk of prejudice to the

¹ ECF No. 23.

² *Thompson v. Hous. Auth. of City of Los Angeles*, 782 F.2d 829, 831 (9th Cir. 1986).

³ See *Ghazali v. Moran*, 46 F.3d 52, 53–54 (9th Cir. 1995) (dismissal for noncompliance with local rule); *Ferdik v. Bonzelet*, 963 F.2d 1258, 1260–61 (9th Cir. 1992) (dismissal for failure to comply with an order requiring amendment of complaint); *Carey v. King*, 856 F.2d 1439, 1440–41 (9th Cir. 1988) (dismissal for failure to comply with local rule requiring pro se plaintiffs to keep court apprised of address); *Malone v. U.S. Postal Service*, 833 F.2d 128, 130 (9th Cir. 1987) (dismissal for failure to comply with court order); *Henderson v. Duncan*, 779 F.2d 1421, 1424 (9th Cir. 1986) (dismissal for lack of prosecution and failure to comply with local rules).

1 defendants; (4) the public policy favoring disposition of cases on their merits; and (5) the
2 availability of less drastic alternatives.⁴

3 The first two factors, the public's interest in expeditiously resolving this litigation and the
4 court's interest in managing its docket, weigh in favor of dismissal. The third factor, risk of
5 prejudice to defendants, also weighs in favor of dismissal because a presumption of injury arises
6 from the occurrence of unreasonable delay in filing a pleading ordered by the court or
7 prosecuting an action.⁵ A court's warning to a party that its failure to obey the court's order will
8 result in dismissal satisfies the fifth factor's "consideration of alternatives" requirement. And
9 that warning was given here.⁶ The fourth factor—the public policy favoring disposition of cases
10 on their merits—is greatly outweighed by the factors favoring dismissal.

11 IT IS THEREFORE ORDERED that this case is **DISMISSED without prejudice** for
12 failure to follow a court order, failure to comply with the local rules, and want of prosecution.
13 The Clerk of Court is directed to ENTER JUDGMENT accordingly and **CLOSE THIS CASE**.

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16 U.S. District Judge Jennifer A. Dorsey
17 February 10, 2021
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22 ⁴ *Thompson*, 782 F.2d at 831; *Henderson*, 779 F.2d at 1423–24; *Malone*, 833 F.2d at 130;
Ferdik, 963 F.2d at 1260–61; *Ghazali*, 46 F.3d at 53.

23 ⁵ *Ferdik*, 963 F.2d at 1262; *Malone*, 833 F.2d at 132–33; *Henderson*, 779 F.2d at 1424.

⁶ ECF No. 23.